

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 MAURICE ANTHONY BROWN,

8 Plaintiff,

9 v.

10 KENT MUNICIPAL CORP., et al.,

11 Defendants.

C20-1703 TSZ

ORDER

12 Having reviewed Plaintiff Maurice Brown's Amended Complaint (docket no. 9),
13 the Report and Recommendation of the Honorable Mary Alice Theiler, United States
14 Magistrate Judge (docket no. 3), and the remaining record,¹ the Court enters the
15 following Order:

16 (1) The Court ADOPTS the Report and Recommendation, docket no. 3.
17 Plaintiff's Amended Complaint, docket no. 9, asserts several new causes of action, which
18 are supported by additional factual allegations. The Amended Complaint, however, fails
19 to allege any facts suggesting that this matter presents an "extraordinary circumstance[]"

20
21
22 ¹ Plaintiff did not file objections to the Report and Recommendation, but he filed a motion for leave to
amend the complaint, which the Court granted. *See* Minute Order (docket no. 8).

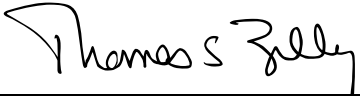
1 in which the Court may interfere with Plaintiff's ongoing state criminal proceeding,
2 which is set for trial on February 23, 2021.² See *Columbia Basin Apartment Ass'n v. City*
3 *of Pasco*, 268 F.3d 791, 799 (9th Cir. 2001). The state criminal proceedings (i) are
4 ongoing, (ii) implicate important state interests, and (iii) provide Plaintiff an adequate
5 opportunity to litigate the federal claims asserted in the Amended Complaint. See *id.* As
6 the Report and Recommendation explains, docket no. 3 at 2–4, the Court is required to
7 abstain under *Younger v. Harris*, 401 U.S. 37 (1971).

8 (2) Plaintiff's Amended Complaint, docket no. 9, and this action, are
9 DISMISSED without prejudice.

10 (3) The Clerk is directed to send a copy of this Order to Plaintiff, all counsel of
11 record, and the Honorable Mary Alice Theiler.

12 IT IS SO ORDERED.

13 Dated this 2nd day of February, 2021.

14 
15 THOMAS S. ZILLY
16 United States District Judge
17
18
19
20
21

22 ² See *State of Washington v. Brown*, King County Superior Court Cause No. 19-1-04585-6 KNT.
23